

**To:** Mack, Karyllan Dodson[Karyllan.Mack@klgates.com]  
**Cc:** Yeh, Alice[Yeh.Alice@epa.gov]; La Gravenis, Robert Paul[Robert.LaGravenis@klgates.com]  
**From:** Flanagan, Sarah  
**Sent:** Fri 5/16/2014 4:53:01 PM  
**Subject:** RE: FOIA #EPA-R2-2014-005768 & -006018

Karyllan,

Thank you. We will proceed and we'll be on the lookout for the amended -006476 request.

-Sarah

Sarah P. Flanagan  
Office of Regional Counsel, NJ Superfund Branch  
USEPA, Region 2  
290 Broadway, 17th Floor  
New York, NY 10007  
Tel: 212-637-3136

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**From:** Mack, Karyllan Dodson [mailto:Karyllan.Mack@klgates.com]  
**Sent:** Friday, May 16, 2014 12:50 PM  
**To:** Flanagan, Sarah  
**Cc:** Yeh, Alice; La Gravenis, Robert Paul  
**Subject:** RE: FOIA #EPA-R2-2014-005768 & -006018

Sarah,

Yes, we will pay the costs, but reserve our rights to argue about the appropriateness of the costs we had to expend at a future point in time.

As to Question 13, I have confirmed that it is duplicative of another request and therefore can be disregarded.

As to the 5/14/14 request, yesterday we submitted an amended request, which added a new item 7 to the Appendix. Therefore, the 5/15/14 Amended FOIA includes everything in the 5/14/14 FOIA, plus one new information request.

Please let me know if you have any questions.

Thanks again,

Karyllan

**From:** Flanagan, Sarah [<mailto:Flanagan.Sarah@epa.gov>]  
**Sent:** Friday, May 16, 2014 12:40 PM  
**To:** Mack, Karyllan Dodson  
**Cc:** Yeh, Alice  
**Subject:** FW: FOIA #EPA-R2-2014-005768 & -006018

Karyllan,

Following up on our conversation yesterday, EPA would like to confirm that KL Gates will pay the costs incurred by EPA in responding to your Freedom of Information Act (FOIA) requests. Our regulations allow us to obtain advance payment if costs are anticipated to exceed \$250, unless we receive a satisfactory assurance of full payment. Rob La Gravenis' assurance, which is subject to a reservation of rights, leaves us uncertain as to whether the costs that we incur would be paid. Could you confirm that KL Gates will pay the costs?

With assurance of payment, EPA can continue our search and begin to provide information in installments. The outstanding FOIA requests are as follows:

FOIA EPA-R2-2014-005768 – submitted 4/21/14 – initial due date 5/19/14 but on hold (since 5/9/14) as we await clarification of question 13 and assurance of payment.

FOIA EPA-R2-2014-006018 – submitted 4/28/14 – initial due date 5/27/14 but on hold (since 5/9/14) as we await assurance of payment.

FOIA EPA-R2-2014-006476 - submitted 5/14/14 – due date 6/13/14. EPA is reviewing level of effort required and will prepare an estimate and determine whether the \$500.00 fee limit included in this request is sufficient.

Thanks.

-Sarah

Sarah P. Flanagan  
Office of Regional Counsel, NJ Superfund Branch  
USEPA, Region 2  
290 Broadway, 17th Floor  
New York, NY 10007  
Tel: 212-637-3136

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**From:** La Gravenis, Robert Paul [<mailto:Robert.LaGravenis@klgates.com>]  
**Sent:** Wednesday, May 14, 2014 3:10 PM  
**To:** Yeh, Alice

**Cc:** Mack, Karyllan Dodson

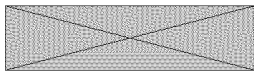
**Subject:** RE: FOIA #EPA-R2-2014-005768 & -006018

Thank you, Ms. Yeh. The CPG believes that most, if not all, of these documents should have been considered by EPA and part of its supporting analysis in preparation of the Proposed Plan and Focused Feasibility Study. Therefore, this information should be part of the administrative record for the site and interested parties should not have to pay for such information. As a result, the CPG reserves its rights with respect to such costs. Subject to this reservation, this email confirms that the CPG will pay for the costs of responding to FOIA requests # EPA-R2-2014-005768 & -006018.

I will coordinate with our team to respond to your question regarding -005768, #13.

Thanks,

Rob



Robert Paul La Gravenis

Senior Paralegal

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**From:** Yeh, Alice [<mailto:Yeh.Alice@epa.gov>]  
**Sent:** Friday, May 09, 2014 11:03 AM  
**To:** La Gravenis, Robert Paul  
**Subject:** FOIA #EPA-R2-2014-005768 & -006018

This is to confirm our phone conversation from this morning about your Freedom of Information Act (FOIA) requests # EPA-R2-2014-005768 & -006018.

We estimate that the cost of responding to -005768 will be approximately \$5000 and the cost of responding to -006018 will be approximately \$4000. These costs are primarily related to time spent by multiple staff members to search for e-mails and other documents responsive to the broad requests. I have to wait until you agree to pay costs up to the amounts estimated above before I can respond to the requests. You will receive bills for the actual amounts EPA spends in responding to the requests after we have responded. If costs exceed those estimated, I will call you again with new estimates and ask for your agreement to any new limits.

Also, I will be sending you responses to the requests in installments in the future, as we compile reasonably sized amounts of information.

Finally, as we discussed, I didn't understand what you were requesting in -005768, #13 ("Data and technical basis for 1) modeled background tissue concentrations, and 2) modeled future tissue concentrations, including the technical basis of EPA's sediment-tissue regression models for HHRA species evaluated in the FFS.") Please clarify the term "modelled background tissue concentrations" and let me know how this request differs from -005768, #1 & #2, which seem to request the same information.

Please call me with any questions at 212-637-4427 (or e-mail works).

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